

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14340 of 2016

Arising Out of PS.Case No. -51 Year- 2014 Thana -HABIBPUR District- BHAGALPUR

=====

SURENDRA KUMAR alias “SONU” alias SURENDRA KUMAR SONU
Son of Sri Etwari Yadav Resident of Daudbat, PS Habibpur, District
Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Navneet Kumar son of Sri Niwas Ram , Resident of Village-
Bhawnathpur, P.S. Akbarnagar, District Bhagalpur.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya

For the Opposite Party/s : Mr. Ram Sevak Choudhary(App)

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 27-09-2016 Heard Sri Chitranjan Sinha, learned senior counsel ,

assisted by Sri Diwakar Upadhyaya, learned counsel for the

petitioner and Sri Ram Sevak Chaudhary, learned Additional

Public Prosecutor.

The sole petitioner , has approached this court invoking
its inherent jurisdiction under Section 482 of the Code of
Criminal Procedure, 1973 (hereinafter referred to as the “Cr.P.C.”)
with a prayer to quash an order dated 16.9.2015 passed by learned
Judicial Magistrate 1st Class, Bhagalpur (hereinafter referred to as
“Magistrate”) in Habibpur P.S. Case No. 51 of 2014. By the said
order the learned Magistrate has taken cognizance of offence
under Section 420, 406, 384, 427, 504, 34 of the Indian Penal

Code.

Learned senior counsel while assailing the order has firstly argued that the order of cognizance is liable to be set aside on the ground that no reason has been assigned. According to learned senior counsel for the petitioner the order was passed without application of mind. He further submits that the petitioner has been made accused only because of the fact that he was the brother of the vendor of the land in question. Of -course petitioner stood as witness. On aforesaid ground a prayer has been made to quash the order of cognizance.

Learned Additional Public Prosecutor has opposed the prayer of the petitioner.

Besides hearing, I have also perused the materials available on record. After going through the impugned order, I do not find any apparent error warranting interference.

The petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

U		T	
---	--	---	--